

Proposed Text: Adopt Section 25

**CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
DIVISION 1. ADMINISTRATIVE PERSONNEL  
CHAPTER 1. STATE PERSONNEL BOARD  
SUBCHAPTER 1. GENERAL CIVIL SERVICE  
ARTICLE 2. GENERAL PROVISIONS**

§ 25. State Civil Service Appointments and Promotions.

Article VII of the California Constitution, state civil service laws and regulations, and the merit principle apply to all appointments and promotions in state civil service regardless of the budget allotment from which the salary or wage is payable, including blanket position allotments.

NOTE: Authority cited: Sections 18660 and 18701, Government Code.  
Reference: Article VII, Sections 1 and 3, California Constitution.

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§ 26. Record Retention Requirements.

(a) Appointing authorities shall retain the following records in an orderly and systematic manner for a minimum of five years:

(1) Affirmative action and equal employment opportunity (EEO) records, including but not limited to, policies and procedures, EEO officer's duty statement, and complaint and response records;

(2) Employee personnel records related to all appointments, including, but not limited to, permanent, temporary, full-time, part-time, intermittent, seasonal, additional appointments, and retired annuitants. These records include, but are not limited to, Request for Personnel Action, Notice of Personnel Action, duty statements, applications, resumes, probation reports and performance reviews, loyalty oaths and oaths of office, policy and training acknowledgments, training history, pre-employment background and reference checks, and minimum qualification verifications. These records also include employee disciplinary records, except the minimum five-year record retention requirement does not apply to disciplinary records if a stipulated settlement agreement between the employee and appointing power or bargaining agreement between the employee's union and the state provides otherwise;

(3) Examination records, including but not limited to, job analyses and other development-related documentation, qualified appraisal panel questions, answer sheets, rating criteria, and testing administration records;

(4) Merit and selection records, including but not limited to written job announcements, on-line and e-mail distributed job announcements, applications, application screening criteria, rating criteria, test scores, interview records, pre-employment background check records, EEO questionnaires, reference checks, and other related records for persons not hired;

(5) Position descriptions, including but not limited to records describing established positions regardless of the funding source, and information on title, series, grade, duties, and responsibilities; and

(6) Requests for classification of new positions or reclassification of existing positions.

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(b) As used in this section, "records" include any books, papers, or other data, on whatever medium recorded. A record will normally encompass all matters included within section 250 of the Evidence Code.

NOTE: Authority cited: Sections 18660 and 18701, Government Code. Reference: Sections 18573 and 18661, Government Code.